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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/366,064	08/02/1999	JASON ROBERT MALAURE	GIL4-BH60	2626

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ALBIN H. GESS, Esq.  
SNELL & WILMER LLP  
1920 MAIN STREET  
SUITE 1200  
IRVINE, CA 92614-7230

[REDACTED] EXAMINER

HUYNH, SON P

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2611

DATE MAILED: 01/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/366,064	MALAURE ET AL.
Examiner	Art Unit	
Son P Huynh	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 October 2002.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 02 August 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claim 1, 3, 5-7, 9-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travaille et al. (US 6,067,107), and in view of Goodman et al. (US 6,427,238).

Regarding claim 1, Travaille et al. teaches a method of delivery an interactive application to a plurality of "target platforms" via broadcast medium, the method comprising:

providing interactive application 115 based on the programs to be broadcasted in play list 113 provided by broadcaster 114;

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converting the interactive application 115 into a plurality of streams of broadcast data by

Data Insertion Unit 116 (DIU), each stream of broadcast data conforming with a

respective target receiver; and

delivering each stream of broadcast data to its respective receiver by transmitter

118(see figure 1 and col. 5, line 1-col. 6, line 41). However, Travaille et al. does not

specifically disclose the interactive application comprises components.

Goodman et al. discloses the modules contained in the signals from module sources may comprise components of an interactive application. The modules can contain any type of data such as application code, raw data or graphical information (see col. 3, lines 50-60; col. 6, lines 5-44 and figure 3). Therefore, the interactive application comprises "a set of application components." Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Travaille et al. to incorporate the feature as taught by Goodman in order to perform different functions as the receiver.

Regarding claim 3, Travaille et al. discloses storing the application components in a data store 112; and retrieving the application components from the data store before converting it into a stream of broadcast data (see figure 1).

Regarding claim 5, Travaille et al. discloses receiving and processing user responses from receiver 120 by local data center 122 and master data center 128 (see figure 1 and col. 8, line 15+).

Regarding claim 6, Travaille et al. discloses the application comprises a game and the return data comprises response to the questions (see col. 10, lines 19-34).

Regarding claim 7, Travaille et al. discloses the “target platform” comprises an application processor (receiver 120).

Regarding claim 9, Travaille et al. discloses an apparatus for delivering an interactive application to a plurality of “target platforms, the apparatus comprising: broadcast server 110 for providing a set of application component (interactive application 115); a plurality of broadcast system interfaces (DIU 116) each converting the set of application components into a respective stream of broadcast data, conforming with a respective target platform; and transmitter 118 for delivering each stream of broadcast data to its respective target platform (see figure 1).

Regarding claim 10, Travaille teaches the broadcast networks have different data protocols, format or speeds (see col. 5, lines 38-67).

Regarding claim 11, Goodman teaches the modules can contain any type of data, such as application code, raw data or graphical information (see col. 3, lines 50-60). It is obvious that the application components comprise one or more of executable program files, bit maps, sound samples, real-time instructions, and video chips in order to perform different functions as receiver.

Regarding claim 13, Travaille teaches the apparatus comprising means for substituting an application component with an alternative component on one of broadcast data streams (see col. 14, line 13-col. 15, line 17).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travaille et al. (US 6,067,107) and Goodman (US 6,427,238) as applied to claim 1 above, and in view of Lappington et al. (US 5,734,413).

Regarding claim 2, Travaille et al. in view of Goodman discloses a method as discussed in the rejection of claim 1. However, neither Travaille nor Goodman discloses manually inputting real-time application data; converting the real-time application data into a plurality of stream of real-time broadcast data, each stream of real-time broadcast data conforming with a respective target platform; and delivering each stream of real-time broadcasting data to its respective target platform.

Lappington et al. discloses manually inputting real-time application data by script writer; converting the real-time application data into a plurality of stream of real-time broadcast data, each stream of real-time broadcast data conforming with a respective "target platform"; and delivering each stream of real-time broadcasting data to its respective "target platform" (see figure 1 and col. 8, lines 1-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Travaille et al. and Goodman by manually inputting real-time application data; converting it and delivering it to "target platform" as taught by Lappington et al. in order to deliver real-time application data to receiver via broadcast network.

Regarding claim 4, Lappington et al. discloses a wide variety of transport mechanisms are available, including those that broadcast the interactive application 115, embedded in broadcast program, separately from the broadcast program. Such transport mechanisms include out or band transmitters, radio transmitters. In another embodiment, the broadcast medium is a standard MPEG2 digital video multiplex. In

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another embodiment, the DIU use conventional method to insert data into an elementary stream within a MPEG multiplex. Error checking or error correcting code such as Hamming codes are inserted with the broadcast data 117 or the DIU 116 translates the data into a Hamming code... (see figures 1-2 and col. 5, line 50-col. 6, line 41). Inherently, the step of converting comprises adapting for different data transmission mechanisms.

Regarding claim 12, Travaille teaches the method comprising substituting an application component with an alternative component on one of broadcast data streams (see col. 14, line 13-col. 15, line 17).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Travaille et al. (US 6,067,107) in view of Goodman (US 6,427,238) as applied to claim 1 above, and further in view of Belanger (US 2002/0059402).

Regarding claim 8, Travaille et al. discloses downloading data from the stream of broadcast data (see col. 7, lines 1-30). However, Travaille et al. fails to disclose interrogating the application processor to determine the data capability of the application processor.

Belanger discloses if the user device is a personal computer with a browser, then the communications software 38 may send a signal that is according to the Internet HTTP protocol. Base<sup>4</sup> on the characteristics of the particular user device 20, the signal

may be formatted to conform to the characteristics of the browser, which are identified in the truth table that is included in the device recognition module 42. If the device is a phone, the communications module 38 send a voice signal (see paragraph 0057). Inherently, the method comprising interrogating the application processor to determine the data capabilities of the applications processor; and downloading data from the stream of broadcast data in accordance with the determined data capabilities of the application processor. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Travaille et al. to incorporate the feature as taught by Belanger in order to expand capabilities of the system.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Wistendahl et al.** (US 6,496,981) discloses system for converting media content for interactive TV use.

**Billock et al.** (US 5,619,249) teaches telecasting service for providing video programs on demand with an interactive interface for facilitating viewer selection of video programs.

**Alten et al.** (US 5,635,978) teaches electronic television program guide channel system and method.

**Davis et al.** (US 5,576,755) teaches system and method for verification of electronic television program guide data.

**Thomas et al.** (US 5,666,645) teaches data management and distribution system and method for an electronic television program guide.

**Freeman et al.** (US2002/0188943) teaches digital interactive system for providing full interactive with live program events.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh  
January 13, 2003

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600